

REMARKS/ARGUMENTS

Favorable reconsideration of this application in light of the following discussion is respectfully requested.

Claims 1-3 and 5-24 are pending in the present application; no claims having been amended, added, or canceled by way of the present amendment.

In the outstanding Office Action, Claims 1, 2, 8, 12, and 18 were rejected under 35 U.S.C. § 103 as being unpatentable over Takashima in view of Otsuka et al., Claim 3 was rejected under 35 U.S.C. § 103 as being unpatentable over Takashima in view of Otsuka et al. and in further view of Matsuoka et al., Claim 16 was rejected under 35 U.S.C. § 103 as being unpatentable over Takashima in view of Otsuka et al. and in further view of Kitayama et al., Claim 17 was rejected under 35 U.S.C. § 103 as being unpatentable over Takashima in view of Otsuka et al. and in further view of Kinoshita, and the subject matter of Claims 5-7, 9-11, 13-15, and 19-24 was objected to and indicated as being allowable.

Claims 1, 2, 8, 12, and 18 were rejected under 35 U.S.C. § 103 as being unpatentable over Takashima in view of Otsuka et al. This rejection is respectfully traversed.

Claim 1 is directed to an image forming apparatus comprising a process cartridge, a toner container, a toner container holder, and a toner conveying device. The toner container holder is recited as being “configured to hold the toner container, the toner container holder fixedly holding the cap while allowing the container body to rotate in order to dispense the fresh toner from the container body through the opening of the cap.” This feature is neither disclosed nor suggested by the prior art of record.

The outstanding Office Action at the top of page 4 addresses the above limitation and states “the toner container holder fixedly holding the cap while allowing the container body to rotate in order to dispense the fresh toner from the container body through the opening of the cap (figure 2).” However, Otsuka et al. does not disclose this feature. In Otsuka et al.,

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there is a bottle 15, a shutter 16, and a toner bottle holder 17. The toner bottle holder 17 is surrounded by a driven gear 40. As shown in Figure 3, the bottle 15, the shutter 16, and the bottle holder 17 rotate as a unit in order to dispense toner. Thus, this patent fails to disclose or suggest that the toner container holder is fixedly holding the cap while allowing the container body to rotate in order to dispense the fresh toner from the container. Therefore, even if Takashima and Otsuka et al. could be combined in the manner suggested by the outstanding Office Action, the invention recited in Claim 1 would not result. Accordingly, Claim 1 and each of the claims depending therefrom is allowable. Claim 1 is the only pending independent claim, and each of the other claims is patentable at least for the reasons that Claim 1 is patentable.

The Examiner is directed to the prosecution of another application owned by the Assignee of the present application which is similar to the present application, Serial No. 10/864,672 filed June 10, 2004. In the last Official Action in this application, the Examiner rejected the claims using Otsuka et al. Arguments were presented in 10/864,672 describing Otsuka et al. in a similar manner as it has been described above. In response to the arguments which were presented in response to the Official Action of March 1, 2007, a copy of those arguments which are attached, 10/864,672 was allowed by the USPTO.

Consequently, in light of the above discussion and in view of the present amendment, the present application is in condition for formal allowance and an early and favorable action to that effect is requested.

Respectfully submitted,

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APPENDIX TO REQUEST FOR RECONSIDERATION
U.S. APPLICATION SERIAL NO. 10/667,301

REMARKS/ARGUMENTS

(FILED MAY 22, 2007 IN U.S. APPLICATION NO. 10/864,672)

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-9, 21-33, 39-46, and 53-71 are pending in the present application; Claims 1, 2, 4, 8, 21, 22, 24, 28, 31, 39, 42, 43, 56-58 having been amended; and Claims 61-71 having been added by way of the present amendment.

In the outstanding Office Action, Claims 1-4, 6-9, 21-24, 26, 27, 56-58, and 60 were rejected under 35 U.S.C. § 102(b) as being anticipated by Otsuka et al., and Claims 5, 25, and 32 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Otsuka et al. in view of Ikunami et al. These rejections are respectfully traversed.

Independent Claims 1, 8, 21, 28, 56, 57, 58, and 60 were amended to recite that the outlet of the container is located on a portion of the container which is rotatable relative to the main part. As shown in Figure 3, for example, one implementation of a main part may be a bottle such as the bottle 32Y. There is a cap portion 34Y having an outlet. When the container is mounted in an image forming device and dispenses toner and/or developer, the main part or bottle rotates relative to the cap which remains stationary in the machine.

Referring now to Otsuka et al., there is a bottle 15, a shutter 16, and a toner bottle holder 17. The toner bottle holder 17 is surrounded by a driven gear 40. As shown in Figure 3, the bottle 15, the shutter 16, and the bottle holder 17 rotate as a unit in order to

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dispense toner. Thus, this reference fails to disclose or suggest the claim limitation which has been added to each of the rejected independent claims related to the portion having the outlet remaining stationary during toner dispensing.

Accordingly, the rejection under 35 U.S.C. § 102(b) is respectfully requested to be withdrawn.

Each of the rejected dependent claims is allowable for similar reasons as the independent claims are now allowable.

After reviewing the claims, it was noticed that the term “toner” and “developer” may not have been used in a consistent manner. For this reason, the claims have been amended, as appropriate, to recite “toner” instead of “developer” in specific claims, but not every claim. It is to be noted that developer may contain toner so the term “developer” used in some of the claims permits the container to also include toner.

Added dependent claims 61-71 recite that the main part has a discharge opening. Consequently, in light of the above discussion and in view of the present amendment, the present application is in condition for formal allowance, and an early and favorable action to that effect is requested.